

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RONALD M. BAUGH,

08-CV-1315-HU

Plaintiff,

OPINION AND ORDER

v.

ALBERTO GONZALES, et al.,

Defendants.

BROWN, Judge.

This matter comes before the Court on Plaintiff's Motion (#2) for Temporary Restraining Order to Enjoin Defendant Federal Agencies Use of Involuntary Inhalant Poisoning Against Plaintiff. For the reasons that follow, the Court **DENIES** Plaintiff's Motion and dismisses this matter **with prejudice**.

Plaintiff filed an approximately 300-page Complaint in this Court on March 20, 2007, Case No. 07-CV-406-HU, in which he asserted various allegations against Alberto Gonzales, Rosanne M.

Sizer, Derek Foxworth, Portland Police Bureau, Robert Gordon, Washington County Sheriff's Department, Karen Immergut, Robert Jordan, and Kenneth Magee.

On May 2, 2007, the Court granted Plaintiff's renewed Motion for Leave to Proceed *in Forma Pauperis*, but dismissed the Complaint in No. 07-CV-406-HU for failure to comply with Federal Rule of Civil Procedure 8. The Court granted Plaintiff leave to file an Amended Complaint in compliance with Rule 8 within 14 days of the Order. Plaintiff did not file an Amended Complaint. Accordingly, on June 1, 2007, the Court entered an Order and Judgment dismissing No. 07-CV-406-HU without prejudice.

On July 10, 2007, Plaintiff filed a 300-page Complaint in this Court, Case. No. 07-CV-1004-HU, against Alberto Gonzales, the United States Department of Justice, the Federal Bureau of Investigation, the Drug Enforcement Administration, Rosanne M. Sizer, Derrick Foxworth, Portland Police Bureau, City of Portland, Robert Gordon, Washington County Sheriff's Department, Washington County, Karen Immergut, Robert Jordan, and Kenneth Magee in which he made the same general allegations as he made in Case No. 07-CV-406-HU. On August 17, 2007, Plaintiff filed a Motion for Temporary Restraining Order to Enjoin Defendant Federal Agencies use of Involuntary Inhalant Poisoning Against Plaintiff. On August 20, 2007, the Court entered an Order and Judgment dismissing case No. 07-CV-1004-HU with prejudice. On

September 18, 2007, Plaintiff filed a Notice of Appeal. On December 27, 2007, the Ninth Circuit entered an Order in which it noted this Court informed the Ninth Circuit that Plaintiff's appeal was not taken in good faith. The Ninth Circuit, therefore, ordered Plaintiff to pay the cost of filing an appeal. On February 8, 2008, the Ninth Circuit dismissed Plaintiff's appeal for failure to pay filing fees. On September 30, 2008, however, the Ninth Circuit reinstated Plaintiff's appeal, noting Plaintiff had paid the filing fees. Plaintiff's appeal in 07-CV-1004-HU remains pending.

On November 7, 2008, Plaintiff filed a 300-page Complaint in this action, Case. No. 08-CV-1315-BR, against Michael Mukasey, Alberto Gonzales, the United States Department of Justice, the Federal Bureau of Investigation, the Drug Enforcement Administration, Karen Immergut, Robert Jordan, Paul Schmidt, Kenneth Magee, City of Portland, Washington County Oregon, Rosanne M. Sizer, Derrick Foxworth, and Robert Gordon in which Plaintiff complains about the same things that were the subject of both the 07-CV-406-HU and 07-CV-1004-HU matters. Once again, the Complaint is lengthy and somewhat incoherent. On November 7, 2008, Plaintiff also filed a Motion for Temporary Restraining Order to Enjoin Defendant Federal Agencies Use of Involuntary Inhalant Poisoning Against Plaintiff, which contains the same allegations as those in the Motion for Temporary

Restraining Order Plaintiff filed in 07-CV-1004-HU.

Because Plaintiff seeks to bring the same claims as asserted in Case No. 07-CV-1004-HU against essentially the same Defendants and because the appeal remains pending in 07-CV-1004-HU, the Court denies Plaintiff's Motion for Temporary Restraining Order and dismisses this action with prejudice.

CONCLUSION

For these reasons, the Court **DENIES** Plaintiff's Motion (#2) for Temporary Restraining Order to Enjoin Defendant Federal Agencies Use of Involuntary Inhalant Poisoning Against Plaintiff and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 12th day of November, 2008.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge